

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

NO. 3:13-CR-076-N

V.

MICHAEL DAVID CARROLL

**GOVERNMENT'S RESPONSE TO DEFENDANT CARROLL'S
FOURTH MOTION TO CONTINUE SENTENCING DATE**

The United States Attorney for the Northern District of Texas, by and through the undersigned Assistant United States Attorney, files this Response to the above motion:

It is true that the parties have reached a very modest partial agreement on the appropriate loss amount for both guideline calculation and restitution. However, *defendant Carroll continues to dispute about \$1.8 million in losses for at least eight different victims.*

Earlier this week, the undersigned prepared a loss summary chart and provided a copy of this chart to defense counsel. The purpose of this chart was simply to confirm which specific victim loss figures remained in dispute. This chart was never referred to as a proposed "addendum". The purpose of this chart was simply to hopefully simplify and clarify the victim losses that remain in dispute going into the March 17, 2014 sentencing hearing. Government counsel had no obligation to provide a copy of this loss summary

chart to defense counsel, but did so as a courtesy.

Since there has never been an Addendum prepared and issued by the probation officer, there is no need to provide defense counsel with additional time to prepare to respond to a non-existent Addendum. It was the understanding of the parties that the final total loss figures would be determined by the Court following the admission of evidence and argument by the parties.

Just today, government counsel received from a victim about 33 pages of new emails to and from defendant Carroll. These emails strongly corroborate the testimony of this victim who is listed in the PSR. These emails were shared with defense counsel this afternoon. It is possible that the presence of these emails will convince defendant Carroll to drop his objections to this one victim. However, given the consistent pattern of this defendant to falsely deny what is clearly relevant loss conduct, this defendant is unlikely to change his position. In any event, the loss figures for all of the other additional victims (which total about \$1.5 million) remain in dispute by defendant Carroll.

The government is not optimistic that any further delays will shorten or simplify any future sentencing hearing. **A ruling on this motion today would be appreciated, since the government has two out of state witnesses (Colorado and California) flying into Dallas on Sunday, March 16, 2014.** In the event the Court decides that a short delay to April 7, 2014, or to a time convenient to the Court.

////////////////////////////////////ONLY SIGNATURES REMAIN////////////////////////////////////

Respectfully submitted,

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S/ David L. Jarvis

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CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2014, I electronically filed the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the following attorney of record who has consented in writing to accept this Notice as service of this document by electronic means:

Peter A. Schulte, attorney for defendant Carroll

S/ David L. Jarvis

DAVID L. JARVIS

Assistant United States Attorney